

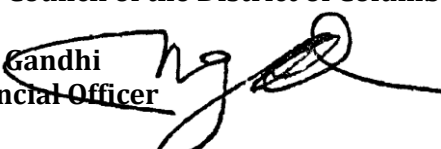
Government of the District of Columbia  
Office of the Chief Financial Officer



**Natwar M. Gandhi**  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Natwar M. Gandhi   
Chief Financial Officer

**DATE:** November 18, 2013

**SUBJECT:** Fiscal Impact Statement – “Public Charter School Historic Preservation Amendment Act of 2013”

**REFERENCE:** Bill 20-364 – Draft Committee Print shared with the Office of Revenue Analysis on November 12, 2013

---

**Conclusion**

Funds are sufficient in the FY 2014 through FY 2017 budget and financial plan to implement the bill.

**Background**

Current law<sup>1</sup> requires that all District agencies consult with the State Historic Preservation Office (SHPO)<sup>2</sup> prior to beginning construction on District buildings so that the SHPO has a “reasonable opportunity” to comment on the project. Under this law, 15 charter school projects were reviewed by SHPO between 2006 and 2012. However, a 2012 Office of Attorney General legal opinion<sup>3</sup> removed charter schools from this requirement, indicating that a public charter school is not considered a District agency.

The bill reinstates this requirement by explicitly stating that public charter schools in District-owned property are subject to the historic preservation review. It is expected that approximately ten charter school properties would be affected by this bill.

---

<sup>1</sup> Historic Preservation Amendment Act of 2006, effective November 16, 2006 (D.C. Law 16-185; D.C. Official Code § 6-1101 *et seq.*).

<sup>2</sup> The State Historic Preservation Office is a division within the District Office of Planning.

<sup>3</sup> Bergstein, Alan, “Does Section 9b of the Historic Landmark and Historic District Protection Act of 1978 Apply to Alterations to a District Building that are Proposed by a Public Charter School Occupant?”, Office of Attorney General Memorandum, April 11, 2012.

The Honorable Phil Mendelson

FIS: Bill 20-364, "Public Charter School Historic Preservation Amendment Act of 2013" Draft Committee  
Print shared with the Office of Revenue Analysis on November 12, 2013.

### **Financial Plan Impact**

Funds are sufficient in the FY 2014 through FY 2017 budget and financial plan to implement the bill. The Office of Planning and SHPO can perform the requirements of the bill within its current resources.

It is possible that planned projects by charter schools in the affected school buildings may need to be altered after consultation with SHPO. However, given that such reviews have not yet taken place, it is not possible to speculate whether the projects would be more expensive as a result. Regardless, any project cost increases would have to be borne or mitigated by the charter school, and would not affect the District's budget and financial plan.